

UNITED STATES BANKRUPTCY COURT DISTRICT OF HAWAII

PROCEDURE FOR CLOSING A CHAPTER 11 CASE

11 U.S.C. § 350(a) provides that the court shall close a case when it is “fully administered.” Neither the Bankruptcy Code nor the rules provide an explicit procedure, however, for closing a chapter 11 case. Further, when a Chapter 11 case is closed, the court must provide information on payments made during the case to the Administrative Office of the U.S. Courts. It is often difficult, if not impossible, for the court to obtain this information from the record.

The closing procedure will be initiated by the filing of a motion for entry of a final decree and closing report. Here are the steps that should be taken:

1. A party in interest (usually, but not necessarily, the plan proponent) must file the following documents with the court:
 - a. A motion for entry of a final decree with a notice of opportunity to object to entry of a final decree. A suggested form is attached.
 - b. A Chapter 11 Closing Report from the debtor [trustee or disbursing agent as may be appropriate] which includes the information required by the attached suggested form.
2. Copies of the Motion for Final Decree and Chapter 11 Closing Report should be served on the following parties: Office of the US Trustee, trustee [if any], secured creditors, administrative expense creditors, the IRS, State of Hawaii, the 20 largest unsecured creditors [or committee if one has been appointed], and all parties who have filed a request for notice. A copy of the proposed final decree should be served on the Office of the United States Trustee.
3. If no objection is filed within 30 days after service of the documents noted above, the moving party should then file a proposed final decree. For one possible form, see 11 Collier on Bankruptcy (15th ed.) Part 6.

If no objection is filed to the final decree, the final decree will be entered and the case will be closed approximately 10 days later.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII**

In Re:

Case No.

Chapter 11

Debtor.

_____ /

**Motion for Entry of Final Decree and
Notice of Creditors**

The [debtor/trustee/attorney for the debtor] moves this court for the entry of a final decree in this case on the following grounds:

1. A chapter 11 closing report has been filed with the court.
2. The estate has been fully administered within the meaning of 11 U.S.C. § 350(a).
3. All claims and expenses required to be paid upon confirmation or the effective date of the plan have been paid.

Date:

[Debtor/ Trustee/Attorney for Debtor]

NOTICE TO CREDITORS

Please Take Notice that objections to the entry of the final decree may be filed with the Clerk of the Bankruptcy Court, 1132 Bishop Street, Suite 250 L, Honolulu, HI 96813 within 30 days of the date of service stated below. If an objection is filed it will be set for hearing before this court at a time and date to be determined.

A copy of the Chapter 11 closing report is attached.

CERTIFICATE OF SERVICE

Copies of this motion and of the chapter 11 closing report were sent to each of the creditors and parties in interest at the addresses listed on the attached mailing list by first class mail on the date stated below. In addition, a copy of the proposed final decree was served upon the Office of the U.S. Trustee.

Date:

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII**

In Re:

Case No.

Chapter 11

Debtor.

_____ /

CHAPTER 11 CLOSING REPORT

The following is the closing report concerning this chapter 11 case which is now fully administered:

1. Trustee Compensation	\$ _____
2. Fee for Attorney for Trustee	_____
3. Other Professional Fees and All Professional Expenses	_____
4. Distribution to Secured Creditors	_____
5. Distribution to Priority Creditors	_____
6. Distribution to Unsecured Creditors	_____
7. Distribution to Equity Security Holders	_____
8. Other Distributions (Including payments to debtor)	_____
TOTAL*	\$ _____

* The total figure should represent all monies paid by the debtor for administration expenses and for payments pursuant to the plan or reorganization or liquidation.

Proposed percentage to be paid to Unsecured Creditors. If you cannot calculate the percentage please put "Unknown". _____

Have all payments required by the plan to be paid immediately upon confirmation been paid as of this date? _____

Dated:

Debtor/ Attorney/ Trustee